

REMARKS

Claims 1-10, 12-18, 20, and 40-57 are pending in the above-referenced application. In the Office Action, the Examiner rejected claims 1-10, 12-18, 20, and 42-57 under 35 U.S.C. §112 and rejected claims 40-42 and 45-57 under 35 U.S.C. §102 as being anticipated by prior art.

Applicants appreciate the telephone interview courteously granted by the Examiner on January 9, 2007. In the interview, claims 1 and 40 were discussed. Applicants asserted that claim 1 and its dependents are clearly supported by the specification as filed. Applicants further asserted that claim 40 is novel over U.S. Patent No. 6,514,288 to Meulink et al. (hereinafter “Meulink”). The Examiner indicated the allowability of claim 1, pending a showing by Applicants that the amendments previously made by claim 1 are supported by the specification.

Accordingly, by this paper, claims 40-42 and 45-57 have been cancelled. Claims 1-10, 12-18, 20, 43, and 44 are now believed to be in a condition for allowance.

REJECTION OF CLAIMS 1-10, 12-18, 20, AND 42-57 UNDER 35 U.S.C. §112

Claims 1-10, 12-18, 20, and 42-57 stand rejected under 35 U.S.C. §112 for failure to meet the written description requirement. By this paper, claims 42 and 45-57 have been deleted. Claim 1 is clearly supported by Applicants’ specification as filed.

More precisely, the language “shaped to flex that, during a normal gait cycle, the bottom surface exerts a significant compressive load on the resected surface of the femur” is supported by Applicants’ specification, at paragraphs 39, 48, and 53. Paragraph 39 provides the following: “Since the transitional body portion 300 is relatively flexible and not as bulky and rigid as a conventional femoral hip prosthesis, the transitional body portion 300 allows the femoral stem component 100 to flex and transmit the compressive load to the bone in the calcar region 11 of the proximal femur 10.” Patient gait is the clear context underlying the transmission of such loading.

Further, paragraph 48 provides: “The distribution of the magnitude and direction of these force components depend upon complex combinations of biomechanical factors such as leg stance, patient weight distribution, and patient gait. The femoral stem component 100 is designed to translate these forces to anatomic loads on the proximal femur 10.” Accordingly, the language added

to claim 1 in the previous amendment derives clear support from Applicants' specification.

Claim 43 recites subject matter supported by original claim 21. Claim 44 recites subject matter clearly supported by Figure 6 of the specification, which clearly illustrates the recited lateral offset between the axes of the neck portion and the elongated stem portion.

Withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

REJECTION OF CLAIMS 40-42 AND 45-57 UNDER 35 U.S.C. 102

Claims 40-42 and 45-57 stand rejected under 35 U.S.C. §102 as being anticipated by Meulink, U.S. Patent No. 6,179,877 to Burke (hereinafter "Burke"), and European Published Application No. 0539036 to Hoffman, et al. (hereinafter "Hoffman"). Applicants respectfully assert that the rejected claims recite features that are not disclosed by Meulink, Burke, or Hoffman. However, by this paper, claims 40-42 and 45-57 have been deleted. Accordingly, Applicants respectfully request withdrawal of the rejection.

CONCLUSION

Applicants respectfully assert that claims 1-10, 12-18, 20, 43, and 44 are in condition for allowance. If there are any remaining issues preventing mailing of a Notice of Allowance, the Examiner is respectfully requested to contact the undersigned.

Dated this 10th day of January 2007.

Respectfully submitted,

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